

CHAPTER 10

PLANNING AND ZONING

ARTICLE I - PLANNING BOARD

Section 10-1 Creation of Planning Board

A Town Planning Board for the Town of Hertford is hereby created under the authority of the General Statutes of North Carolina, Chapter 160, Section 22, 23, and 24.

Section 10-2 Composition and Vacancies

The Town Planning Board hereinafter referred to as the “Board” shall consist of 7 members, all citizens of the Commissioners. Two members shall be appointed for a term of 4 years, 2 members shall be appointed for a term of 3 years, 2 members shall be appointed for a term 2 years, and 1 member shall be appointed for a term of 2 years. As the terms of these 7 members expire, new appointments for terms of 4 years shall be made. Vacancies, occurring for reasons other than expiration of terms, shall be filled as they occur by the Board of Commissioners for the period of the unexpired term. Faithful attendance of the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Board.

Section 10-3 Organization; Rules: Meetings; Records

Within 30 days after appointment, the Board shall meet and elect a chairman and create and fill such officer as it may determine. The term of the chairman and other officers shall be one year, with eligibility for re-election. It shall adopt rules for transaction of businesses and shall keep a record of its member’s attendance, and of its resolutions, discussions, findings, and recommendations, which record to be a public record. The Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public.

Section 10-4 Removal of Members

Members of the Planning Board may, after a public hearing be removed by the Board of Commissioners for inefficiency, neglect of duty of malfeasance in office.

Section 10-5 Compensation

All members of the Board shall serve at a rate set by Town Council.

Section 10-6 Expenditures; Incurring Indebtedness; Donations

The expenditures of the Board, exclusive of gifts or grants, shall be within the amounts appropriated for the purpose by the Board of Commissioners, and no indebtedness for which the Town shall be liable shall be contracted as incurred by the Planning Board unless an appropriation is made by the Board of Commissioners for such purpose, and authorized by law, and then only to the extent of such appropriation. The Board shall have the right to accept gifts and donations for the exercise of its functions and may expend the money received from such gifts and donations in a manner, which in the judgment of the Board is, consistent with the best interest of the planning program.

Section 10-7 Powers and Duties

1. Studies. The Board shall make careful studies of present conditions and the probable future development of the Town of Hertford and its environs. Such studies may include but not be limited to: land use surveys; population studies; economic base studies; school, park, and recreation studies; traffic and parking studies; and urban renewal studies.
2. Plans. The Board shall formulate and maintain a comprehensive plan of the Town and its environs for the purpose of achieving a coordinated, adjusted and harmonious development of the Town which would promote, in accordance with present and future needs, the safety, morals, order, convenience of traffic; safety from fire and other dangers; adequate light and air; healthful and nonviolent distribution of population; provision of adequate open spaces; good civic design and arrangement; wise and efficient expenditures of public funds; adequate provision for public utilities; and for other matters pertaining to the public requirements. The comprehensive plan shall consist of a number of parts which may include but not be limited to the following: a land-use, a major thoroughfare plan, a utilities plan, a school plan, a community facilities plan.
3. Corporation with Redevelopment Commission: Review and Recommendations on Redevelopment Proposals. The Board shall cooperate with the redevelopment commission and shall review all redevelopment plans and proposals and make recommendations to the Board of Commission.
4. Appointment as Zoning Commission. The Board is also hereby designated as the Zoning Commission for the Town of Hertford and shall prepare zoning regulations to govern the use of buildings and premises which ordinance shall be submitted to the Board of Commissioners for its consideration and possible adoption. After the adoption of zoning regulations by the Board of Commissioners no change, alteration or amendment of such regulations shall be made change, alteration or amendment shall have been submitted to the Board for its recommendation. A majority vote by not less than three-fourths of the entire membership of the Board of Commissioners will be required to overrule an unfavorable recommendation by the Board. Failure of the Board to act within thirty days after submission shall constitute approval of the proposed change, alteration or amendment.

5. Subdivision Regulations. The Board shall prepare subdivision regulations governing the subdivision of land within the Town and its environs to be submitted of the Board of Commissioners for its consideration and possible adoption.
6. Powers of Review. The Board shall review and make recommendations to the Board of Commissioners upon the extent, location, and design of all public structures and facilities, on the acquisition and disposal of public properties, on the opening, abandonment, widening extension, narrowing or other change to streets and other public ways, on the construction, extension, expansion or abandonment or utilities whether publicly or privately owned. However, in the absence of a recommendation from the Board after the expiration of thirty (30) days from the date on which the question has been submitted in writing to the Board, the Board of Commissioners may, if it deems wise, take final action.
7. Annual Report. The Board shall, in May of each year, submit in writing to the Board of Commissioners a written report of its activities, an analysis of the expenditures to date for the current fiscal year, proposed planning program for the next fiscal year, and a proposed budget for the next fiscal year.

ARTICLE II ZONING REGULATIONS